

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Governmental Oversight and Accountability Committee

BILL: CS/SB 398

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Sobel

SUBJECT: School Advisory Councils

DATE: April 21, 2009 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	Favorable
2.	<u>McKay</u>	<u>Wilson</u>	<u>GO</u>	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The bill provides that a majority of the members of a school advisory council must not be employed by the school, as opposed to the current law, which requires that the majority of school advisory council members not be employed by the school district. The bill requires the school board to make a good faith effort to advertise and open the school advisory council to members of the community.

This bill amends section 1001.452 of the Florida Statutes.

II. Present Situation:

Each district school board must establish an advisory council for each school in the district and develop procedures for the election and appointment of advisory council members.¹ Each school advisory council must be comprised of the school principal and a balanced number of teachers, education support employees, students, parents, and other business and community citizens. Council membership must reflect the ethnic, racial, and economic community which the school

¹ s. 1001.452(1)(a), F.S.

serves. Teachers, education support employees, students, and parents are elected by their peer groups at the school, and the district school board establishes the procedures for selecting the business and community members.²

A school advisory council is responsible for the final decision-making regarding implementation of the school's improvement and accountability plan.³ Each advisory council assists in the preparation and evaluation of the school improvement plan, assists in the preparation of the school's budget, and performs functions prescribed by the district school board.⁴

In 2008, the Legislature enacted legislation to prevent school advisory councils from having a membership majority of school district employees.⁵ This change was enacted with the intent to maintain a majority of community citizens serving on the council. Prior to the 2008 legislation, the law required only that a majority of the members not be employed by the individual school.⁶ In practice, this could allow schools to prevent a community citizen majority by allowing school employees from different schools to sit on each others' school advisory councils.

Conversely, according to the Department of Education, the 2008 revisions to the law have adversely affected school districts, primarily those that employ a substantial number of community residents. The department cites instances of schools having to turn away parents who are willing to serve on their child's SAC, but are not eligible if employed by the school district. The DOE states that in some communities, the school board is the single largest employer.⁷

III. Effect of Proposed Changes:

The bill provides that a majority of the members of a school advisory council must not be employed by the school, as opposed to the current law, which requires that the majority of school advisory council members not be employed by the school district. The bill also requires the school board to make a good faith effort to advertise and open the school advisory council to members of the community.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

² *Id.*

³ *Id.*; see also ss. 1001.42(18) and 1008.345, F.S.

⁴ These duties may not encompass any powers or duties reserved by law to the district school board. See s. 1001.452(2), F.S.

⁵ s. 5, ch. 2008-235, L.O.F.

⁶ s. 1001.452(1), F.S., (2007).

⁷ Department of Education, bill analysis, February 18, 2009.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not define what a “good faith effort” is.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 21, 2009:

The committee substitute adds a provision that the school board must make a good faith effort to advertise and open the school advisory council to members of the community.

B. Amendments:

None.